IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ADVANCED POWDER SOLUTIONS,	§	
INC., BUBBLETIGHT, LLC, AND	§	
SWM ENTERPRISES, LLC D/B/A	§	
INDUSTRIAL SUPPLY COMPANY,	§	
	§	
Plaintiffs,	§	
	§	CIVIL ACTION NO. 4:15-CV-02128
v.	§	
	§	
ANDREW SHERMAN, TERVES INC.,	§	
AND JAMES HUDDLESTON,	§	
	§	
Defendants.	§	

AGREED MOTION TO DISMISS WITHOUT PREJUDICE AND MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER

All parties in the above referenced matter hereby file this Agreed Motion to Dismiss Without Prejudice and Motion to Dissolve Temporary Restraining Order, and would show the Court as follows:

- 1. Plaintiffs agree to the immediate dissolution of the Temporary Restraining Order entered by the Court on July 24, 2015, and extended by Order of the Court on August 7, 2015, (the "TRO").
- 2. Defendants agree that the bond posted by Plaintiffs on July 27, 2015, as security for the TRO (the "Bond") is to be returned to Plaintiffs. Defendants waive their right to recover against the Bond, subject to and without waiving their right, and without waiving any right of their insurance carrier, to file an independent action seeking attorney fees, costs, expenses and damages for defending against the claims and TRO in this action.
 - 3. Plaintiffs hereby dismiss this action without prejudice to their rights to refile same.

Therefore, the Parties pray that the Court dismiss this case without prejudice to Plaintiffs' right to refile same, immediately dissolve the TRO entered on July 24, 2015, and return the \$100,000 TRO Bond to Plaintiffs without delay.

Dated: August 12, 2015. Respectfully submitted, BAKERHOSTETLER LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record, listed above, in accordance with the Federal Rules of Civil Procedure on August 12, 2015.

/s/ Edward L. Friedman

Edward L. Friedman